

28 (1) For purposes of this part, a person is guilty of an attempt to commit a crime if[;
29 ~~acting with the kind of culpability otherwise required for the commission of the offense;~~] he;

30 (a) engages in conduct constituting a substantial step toward commission of [~~the~~
31 ~~offense;~~] the crime; and

32 (b) (i) intends to commit the crime; or

33 (ii) when causing a particular result is an element of the crime, he acts with an
34 awareness that his conduct is reasonably certain to cause that result.

35 (2) For purposes of this part, conduct [~~does not constitute~~] constitutes a substantial step
36 [~~unless it is strongly corroborative of~~] if it strongly corroborates the actor's [~~intent to commit~~
37 ~~the offense~~] mental state as defined in Subsection (1)(b).

38 (3) [~~No~~] A defense to the offense of attempt [~~shall~~] does not arise:

39 (a) because the offense attempted was actually committed; or

40 (b) due to factual or legal impossibility if the offense could have been committed [~~had~~]
41 if the attendant circumstances had been as the actor believed them to be.

Legislative Review Note

as of 1-26-04 12:31 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number SB0143

Criminal Offense Attempt Amendments

29-Jan-04

4:21 PM

State Impact

No fiscal impact.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst